

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-35742 - APPLICANT/OWNER: DALE AND FRANCES REESE

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed Accessory Structure (Class II) to be built to exceed 50 percent of the square footage of the existing single-family residence located at 6150 Grand Teton Drive. The applicant is proposing an Accessory Structure with a total area of 2,880 square feet where 1,445 square feet is the maximum area allowed for all accessory structures in the rear yard. Currently, the rear yard provides storage for the applicant's vehicles, and all structures on site are legal. The use cannot be conducted in a harmonious manner because it does not meet the Title 19 requirements for an Accessory Structure; therefore, staff is recommending denial of the request. If denied, the proposed Accessory Structure cannot be built or would have to be redesigned to meet Title 19 requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
11/18/04	A deed was recorded for change of ownership.
<i>Related Building Permits/Business Licenses</i>	
03/23/95	A building permit (#95869732) was processed for a wall at 6150 Grand Teton Drive. The permit was completed on 04/04/95.
05/13/93	A building permit (#93186835) was processed for an existing residence at 6150 Grand Teton Drive. The permit was completed on 03/28/94.
<i>Pre-Application Meeting</i>	
08/07/09	<p>A pre-application meeting with the applicant was held where the elements of submitting a Variance were discussed. The topics included:</p> <ul style="list-style-type: none"> • The height requirements of the primary dwelling and that of an accessory structure. • The square footage of all accessory structures may not exceed 50% of the floor area of the principle dwelling. • The type of materials used in the accessory structure construction. • The setback requirements for the side, rear, and distance requirements from the principle dwelling. • There is no kitchen is allowed in an Accessory Structure Class II.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
09/03/09	Staff performed a routine field check where a well-maintained single-family residence was observed. Staff was not able to observe the rear yard where the proposed accessory structure is to be constructed.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.76

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
South	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
East	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Centennial Hills Sector Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Trails	X		Y
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08.040(B)(1) for Accessory Structures

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Side	3 Feet	6 Feet	Y
• Side	3 Feet	15 Feet	Y
• Rear	3 Feet	6 Feet	Y
• From Main Dwelling	6 Feet	131 Feet	Y
Size and Coverage	1,445 Square Feet	2,880 Square Feet	N
Max. Height	16 Feet	12 Feet	Y

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<i>Variance</i>			
<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Percent of Deviation</i>
Per Title 19.08.040(B)(c) The total floor area of all accessory structures shall not exceed fifty (50) percent of the floor area of the principal dwelling unit constructed on the same lot.	1,445 SF Maximum	2,880 SF	99%

ANALYSIS

This is a request for a Variance to allow an Accessory Structure (Class II) that exceeds 50 percent of the square footage of a single-family residence located at 6150 Grand Teton Drive. The proposed Accessory Structure (Class II) is to be used for storage of antique cars, and is located in the northern area of the subject site adjacent to other Residence Estates zoned properties. Research of the 1,000-foot notification area has revealed two other Variances (VAR-19958 and VAR-25763) which were approved for an accessory structure that exceeded 50 percent of the floor area of the main dwelling.

The proposed Accessory Structure is 2,880 square feet. Title 19.08 states, "The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot." The principal dwelling on the subject site is 2,889 square feet, allowing for a total of 1,445 square feet for an accessory structure. The proposed accessory structure exceeds this standard by 1,444 square feet, a 99 percent deviation from code standard.

The proposed accessory structure complies with height and setback requirements, and will be aesthetically compatible with the principle dwelling, as required by Title 19.

This is a self-imposed hardship created by the applicant by proposing an accessory structure that exceeds the allowable square-footage by 1,444 square feet. There is no unique or extraordinary circumstance of the property that necessitates constructing an accessory structure that will exceed code requirements, staff cannot support this application and is recommending denial of this Variance request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

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Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an accessory structure that does not comply with the requirements of Title 19. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 98

APPROVALS 2

PROTESTS 0